

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Parker Tirrell, by her parents and
next friends Sara Tirrell and Zachary
Tirrell, *and*

Iris Turmelle, by her parents and next
friends, Amy Manzelli and Chad
Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official
capacity as Commissioner of the New
Hampshire Department of Education;*

**Andrew Cline, Kate Cassady, Ann
Lane, Philip Nazzaro, Rajesh Nair,
James Fricchione, and James
Leboe**, *in their official capacities as
members of the New Hampshire State
Board of Education;*

**Pemi-Baker Regional School
District;**

Pembroke School District;

Donald J. Trump, *in his official
capacity as President of the United
States,
1600 Pennsylvania Avenue NW,
Washington, DC 20220;*

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity
as Attorney General of the United
States,
950 Pennsylvania Avenue NW,
Washington, DC 20530;*

Civil Case No. 1:24-cv-00251-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, in her official capacity as Acting Secretary of the United States Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,

Proposed Intervenor-Defendant.

DECLARATION OF K.D. IN SUPPORT OF MOTION TO INTERVENE

I, K.D., under penalty of perjury, declare as follows:

1. I am a 16-year-old resident of Bow, New Hampshire, in Merrimack County, and I have personal knowledge of the information below.
2. I am a junior in high school at a public school in Merrimack County and it is my understanding that my high school is bound by the requirements of Title IX.
3. Women's sports are very important to me, and I am committed to advocating for the fairness and safety of female athletes.
4. I joined Female Athletes United because I care about fairness for women and girls in sports. Being part of an organization that believes in protecting opportunities for women helps me to participate in the larger effort to preserve safety and fairness for female athletes.

Playing sports

5. Being an athlete is a big part of who I am and impacts me in so many ways. For as long as I can remember, sports have been a part of my life.

6. My mom is a great multi-sport athlete. She still holds three records for women's high school basketball in New Hampshire. She teaches and encourages me as an athlete, helping me to become the best I can be.

7. Sports have helped me to be a better person and teammate. They help me to persevere to achieve goals and cultivate the discipline required to excel in school and in life.

8. I began playing soccer when I was three and have been playing ever since. It is a way for me to be active, spend time with friends, and build social connections.

9. My family moved to a new town just before I started high school. Joining sports teams at school helped me to make friends and integrate in a new setting.

10. Like my mom, I am a multi-sport athlete. I play soccer, basketball, and softball at my high school.

11. Sports bring me enjoyment. They help me to develop greater self-confidence and to stay healthy and in shape.

12. Being on three school sports teams is a significant commitment and can be exhausting at times, but I would not trade the experiences it has given me or the lessons it has taught me.

13. Working hard and improving my skills feels amazing. There is nothing like celebrating a big victory with my team after sacrificing and training day in and day out to achieve it.

14. Because I work so hard, it is frustrating and disheartening when it feels like the rights of female athletes are being sidelined or ignored.

15. This is how I felt the first time I played a male athlete.

16. During my sophomore year of high school, my school team played another high school girls' soccer team. We noticed that one of the players had a deeper voice and a distinctly different physique and stride than the other players. When I was on the field with this player, I noticed that the player was stronger and built differently than the female players.

17. I later learned that this player was Parker Tirrell, a male athlete, who is a Plaintiff in this case.

18. Even though our team won the game, it was upsetting and confusing to play against a male. I felt uncomfortable and taken advantage of, especially because neither my teammates and I nor our parents had any idea that we would be competing against a male.

19. After soccer season, I joined an indoor futsal league to continue keeping my soccer skills sharp. Some of the girls on my team played in the league with me. Some of the members of Parker's team, including Parker, also joined the league.

20. In this league, I played against Parker on multiple occasions. Because I was scoring a lot, Parker was assigned to defend me, so we often came into physical contact with one another while playing.

21. On several occasions, Parker knocked me down. It felt noticeably different than when I have run into a female when playing. Parker is sturdier, more muscular, and overall just built differently than a female.

22. I was angry and upset that a male was playing against me and knocking me down. It felt inappropriate and unfair that something like this was happening and that no one in charge seemed to recognize what I and the other girls were going through in having to play against a male.

23. It has been hard to see opportunities taken away from my friends by male athletes. I had a friend who was working hard and trying to place first at a state championship meet, only to have a male student take first place in the New Hampshire girls' high jump.

24. After that happened, my friend no longer felt motivated to strive for what she had trained for so many years to achieve. It was very difficult to see her in such an unfair and discouraging situation.

25. I have felt this way too, because I have worked hard since I was young to be the best I can be in order to excel as an athlete. After years of dedication and training, being forced to compete against male athletes, who have distinct physiological advantages, is upsetting.

26. It is so hard to see a male athlete take a spot on a team away from a girl who has worked so hard for so long, or to watch a male take a place on a podium, win an award, or break a record that would have gone or belonged to a girl. This is unfair and makes me feel like my rights to a level playing field are not important.

27. In contact sports like soccer and basketball, playing competitively against male players often feels unsafe. Girls and boys are just different physiologically. This is especially clear in high school, where boys are on average taller and stronger than girls.

28. In soccer, this means that males can often run faster and kick harder than girls. Soccer players frequently run into one another as they fight for the ball. When playing against girls this is no problem, but if I ran into a boy, I would likely fall down because boys are more muscularly dense. I would also be afraid that if a male athlete accidentally kicked me, I could get seriously hurt.

29. Basketball presents similar concerns. Players from opposite teams often make contact with each other when trying to make a shot or defend the

basket. Sometimes when a player goes up for a shot, they will hit another player as they come back down. Because boys are heavier and often jump higher, getting hit by a boy in this or a similar situation could be very dangerous for girls.

30. The differences between girls and boys are why we have separate sports teams. These physiological differences require separate teams in order for real, fair, and balanced competition to take place.

31. That's why it's so frustrating to lose to male athletes, because for girls, hard work and talent often won't be enough. We have a physical disadvantage when competing against males. As someone who has worked hard for over a decade to be the best athlete that I can be, I know that losing opportunities to a male would be deeply discouraging. I feel like school officials, politicians, and other leaders who allow males to play on girls' teams are saying that girls don't matter and that our rights to play sports fairly and safely are unimportant.

Privacy

32. Another place where it seems like the rights of female students and athletes are silenced is privacy.

33. When using the restroom or when changing in a locker room, it is critical for me to feel safe.

34. Having a male present in the restroom or a locker room feels undignified, uncomfortable, and vulnerable.

35. I would not use the restroom if there was a male present. School restroom stalls often have large gaps between the metal panels, and this does not give adequate privacy. If it is just girls using the restroom, it is no problem, because we are the same, but it is uncomfortable to have a male in the room.

36. Changing or showering in the locker room with a male would make me feel humiliated and vulnerable.

37. I would not change if a male were present, and if a male were changing or showering in the locker room, I would leave.

38. As an athlete who plays three different sports for my school, I am in the locker room nearly every day for the entire school year.

39. The locker room is not a private place. The main changing area is open, and the girls change quickly between school and practice in front of each other.

40. The locker room's showers only afford minimal privacy, but if only girls are present, it would not be uncomfortable to shower.

41. In basketball, my teammates and I use a locker room and restroom at the school of the opposing teams to change. For home games, the other team uses a restroom and locker room at our school. Schools usually have two locker rooms, so we are not in the locker room with the other teams.

The Executive Orders and New Hampshire law

42. My state of New Hampshire passed a law that protects girls' sports, by designating girls' teams for females.

43. It is my understanding that the President signed an executive order that protects girls' sports and locker rooms by clarifying that under Title IX they should be reserved for females.

44. And I learned that President Trump also put out an executive order saying that separate private spaces at school should be designated for boys and girls.

45. Two male athletes in my state, who identify as girls, have challenged these rules. I understand that there is currently an injunction allowing these two athletes to compete on girls' teams at school, and as mentioned earlier, I competed against one of these students in soccer and in a futsal league.

46. I am grateful to know that my state's law otherwise protects me from competing against other male athletes or having a male athlete join one of my girls' sports teams at school.

47. And I am thankful that the federal government is taking steps to also protect the sports and private spaces for female students.

48. I am worried that the law and executive orders protecting fairness and privacy for women and girls will be struck down.

49. If this happens, I will be concerned that I will have to compete against more male students. I am also afraid that male students will be allowed in the restrooms and locker rooms at school.

50. If a male athlete joined my team, I am not sure if I would continue to play on that team, because I would think it was unfair that a spot was being taken from a girl.

51. And if a male student came into the locker room or restroom, I would not change or use the restroom. I would try to exit as soon as I could, because I would feel vulnerable and unsafe.

52. As a teenage girl, I fear that if this is allowed to continue males could for malicious reasons demand to play on girls' teams and enter girls' private spaces to seek attention, win awards, or harm girls.

DECLARATION UNDER PENALTY OF PERJURY

I, K.D., a citizen of the United States and a resident of the State of New Hampshire, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 21 day of February, 2025 at Concord, New Hampshire.



K.D.